

16519 U.S. PTO  
09/29/03

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Date: September 29, 2003

Docket No.: 0941-0848P

## MS PATENT APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a ☐ continuation ☒ divisional  
☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of  
pending prior Application No. 10/242,773 filed on September 13,  
2002, the entire contents of which are hereby incorporated by  
reference,  
by

Hung-Yu CHIU; U-Way TSENG; Wen-Pin LU; Cheng-Chen HUSEH; Pei-Ren  
JENG; Fu-Hsiang HSU

for

MEMORY DEVICE AND METHOD FOR FORMING A PASSIVATION LAYER THEREON

1. ☒ Enclosed is an application consisting of specification,  
claims, declaration and drawings/photographs (if  
applicable).
2. ☒ The filing fee has been calculated as follows:

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10/671773  
092903

		LARGE ENTITY	SMALL ENTITY
BASIC FEE		\$750.00	\$375.00
NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
<b>TOTAL CLAIMS</b>	9-20 = 0	x 18 = \$0.00	x 9 = \$0.00
<b>INDEPENDENT CLAIMS</b>	1-3 = 0	x 84 = \$0.00	x 42 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED		+ \$280.00	+ \$140.00
<b>TOTAL</b>		\$750.00	\$0.00

3. ☒ A check in the amount of \$750.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. ☒ Enclosed is/are four (4) sheet(s) of formal drawings and/or photographs.
- 6a. ☐ A statement claiming small entity status was filed in prior Application No. 10/242,773 on \_\_\_\_\_. See the attached copy of the statement claiming small entity status.
- 6b. ☐ The current application qualifies for small entity status.
7. ☒ The prior application is assigned to MACRONIX INTERNATIONAL CO., LTD..
8. ☐ A Preliminary Amendment is enclosed.
- 9a. ☒ Priority of Application No(s). 091104754 filed in Taiwan, R.O.C. on March 13, 2002 is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on September 13, 2002.
- 9b. ☐ Priority of International Appln. \_\_\_\_\_ filed on \_\_\_\_\_ under the Patent Cooperation Treaty and \_\_\_\_\_

Application No. \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.

10. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.

11. ☒ Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

or

Customer No. 02292

12. ☐ An extension of time for \_\_\_\_\_ ( ) month(s) until \_\_\_\_\_ has been submitted in parent Application No. 10/242,773 in order to establish co-pendency with the present application.

13. ☐ Also enclosed herewith is the following:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Joe McKinney Muncy  
Joe McKinney Muncy, #82,334

KM/asc  
0941-0848P

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Attachment(s)

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: CHIU, Hung-Yu et al. Conf.: Unassigned  
Appl. No.: New Group: Unassigned  
Filed: September 13, 2002 Examiner: Unassigned  
For: MEMORY DEVICE AND METHOD FOR FORMING A  
PASSIVATION LAYER THEREON

COPY

LETTER

Assistant Commissioner for Patents  
Washington, DC 20231

September 13, 2002

Sir:

Under the provisions of 35 U.S.C. § 119 and 37 C.F.R. § 1.55(a), the applicant(s) hereby claim(s) the right of priority based on the following application(s):

<u>Country</u>	<u>Application No.</u>	<u>Filed</u>
TAIWAN, R.O.C.	091104754	March 13, 2002

A certified copy of the above-noted application(s) is(are) attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By \_\_\_\_\_  
Joe McKinney Muncy, #32,334

KM/rem  
0941-0549P

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Attachment